NOTIFICATION. 635

No. L.D. 2016—Legis. 4-51-88, dated Bangalore, 6th February 1952

Ordered that the Coal Mines (Conservation and Safety) Ordinance, 1952 (Central Ordinance No. I of 1952) published in the *Gazette of India*, Part II, Section 1, dated the 8th January 1952, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE COAL MINES (CONSERVATION AND SAFETY) ORDINANCE, 1952.

NO. I OF 1952.

An Ordinance to provide for the conservation of coal and make further provision for safety in coal mines.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Coal Mines (Conservation and Safety) Ordinance, 1952.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force at once.

2. Declaration as to expediency of control by Central Government.—It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation of coal mines to the extent herein after provided.

3. Definitions.—In this Ordinance, unless the context otherwise requires—

(*a*) "Board" means the Coal Board established under section 4 ;

(*b*) "blending" means the process of intimately mixing different varieties of coal so as to provide a mixture which on carbonisation results in coke, which, in the opinion of the Board is suitable for being used in metallurgical industries, particularly in iron and steel industries ;

(*c*) "coal" includes coke in all its forms ;

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(*d*) "coking coal" means such type of coal from which on carbonisation coke, suitable, in the opinion of the Board, for being used in metallurgical industries, particularly in iron and steel industries, can be prepared;

(*e*) "Chief Inspector" and "Inspector" mean the persons respectively appointed as the Chief Inspector of Mines and Inspector of Mines under sub-section (1) of section 4 of the Indian Mines Act, 1923 (IV of 1923) and the provisions of that Act shall apply to the Chief Inspector and to all Inspectors while exercising their powers under this Ordinance or the rules made thereunder;

(*f*) "Fund" means the Coal Mines Safety and Conservation Fund constituted under section 12;

(*g*) "India" means the territory of India excluding the State of Jammu and Kashmir;

(*h*) "prescribed" means prescribed by rules made under this Ordinance;

(*i*) "soft cock" means all cock which is unsuitable for being used in metallurgical industries, and "hard coke" means all coke which is not soft coke;

(*j*) "Stowing" means the operation of filling with sand or any other material or with both spaces left under-ground in a coal mine by the extraction of coal;

(*k*) "washing" means such a process or a combination of processes as may be approved in this behalf by the Board by which the whole or any part of the shaley and mineral matter found in the coal is removed therefrom;

(*l*) "agent", "mine" and "owner" have the meanings respectively assigned to them in section 3 of the Indian Mines Act, 1923 (IV of 1923).

4. Establishment of the Board.—(*1*) As from the commencement of this Ordinace, there shall be established a Board, to be called the Coal Board, and such Board shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

(*2*) The Board shall consist of a Chairman and such number of other members, not exceeding four, as the Central Government may think fit to appoint and the members (including the Chairman) shall hold office during the pleasure of the Central Government:

Provided that the Chairman or any other member of the Board may resign his office by giving notice in writing to the Central Government and shall, on such resignation being accepted by that Government, be deemed to have vacated his office.

(*3*) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members (including the Chairman) or any defect in the constitution thereof.

5. Functions of the Board.—(*1*) The Board may, for the purpose of maintenance of safety in coal mines or for conservation of coal, exercise such powers and discharge such duties as may be assigned to it by or under this Ordinance.

(*2*) The Central Government may, by general or special order, delegate to the Board, subject to such conditions and limitations (if any) as may be specified in the order, such of its powers and duties under this Ordinance or under any other law for

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the time baing in force as it may deem necessary for effectively dealing with problems relating to safety in coal mines or conservation of coal and matters connected therewith or incidental thereto.

6. Powers of the Board in executing operations.—(*1*) If in the opinion of the Board, it is necessary or desirable that any measures, including stowing, required in furtherance of the objects of this Ordinance should be undertaken directly by the Board, the Board may execute or cause to be executed such measures under its own supervision.

(*2*) For the purposes of this section, the Board shall have the right for itself and all persons employed in the execution of any work undertaken under this section to enter upon any property in which the work has to be done, and to do therein all things necessary for the execution of the work.

(*3*) No person shall obstruct or interfere with the execution of any work undertaken under this section and no person shall remove or tamper with any plant or machinery or any stowing or other materials used in the execution of such work.

(*4*) Whoever contravenes the provisions of sub-section (3) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

7. Powers of Central Government in respect of safety in coal mines and conservation of coal.—(*1*) The Central Government may, for the purpose of maintenance of safety in coal mines or for conservation of coal, exercise such powers and take or cause to be taken all such measures as it may deem necessary or proper or as may be prescribed.

(*2*) Without prejudice to the generality of the foregoing power the Central Government may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such measures as it may think necessary for the purpose of maintenance of safety in coal mines or for conservation of coal, including—

(*a*) in any coal mine, stowing for safety ; or

(*b*) without prejudice to any order under clause (a), in the case of any coal mine producing coking coal or producing coal which on beneficiation is likely to yield coking coal or producing coal suitable for blending, stowing for conservation ; or

(*c*) washing of coal with a view to beneficiating and reducing the ash contents of coal and improving its coking qualities.

8. Imposition of excise duties.—(*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied and collected—

(*a*) on all coal raised and despatched, and on all coke manufactured and despatched, from the collieries in India, such duty of excise not exceeding one rupee per ton as may be fixed from time to time by the Central Government by notification in the Official Cazette,, and different rates of duty may be levied on different grades or description of coal or coke :

Provided that the Central Government may, by general or special order, exempt any special grade or grades or description of coal or coke from the levy of such duty of excise ;

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(*b*) on all coking coal raised and despatched from the collieries in India such additional duty of excise not exceeding five rupees per ton in the case of coal of Selected Grade A or Selected Grade B, and not exceeding two rupees per ton in the case of coal of Grade I, as may be fixed from time to time by the Central Government by notification in the Official Gazette.

Explanation.—Coal of Selected Grade A, Selected Grade B and Grade I means coal graded as such under the Colliery Control Order, 1945.

(*2*) Where coking coal, in respect of which an additional duty of excise has been levied and collected under clause (*b*) of sub-section (*1*), is despatched to any person for use in Indian and –

(*a*) the use of coking coal is, in the opinion of the Central Government, essential for carrying on any industrial or other process in which such person is engaged ; or

(*b*) the despatch of the coking coal is made under the orders of the Board, although it was not specifically indented for by such person ;

then, the Central Government shall cease to be paid to that person a sum equivalent to the additional duty of excise so collected on the coking coal received and used by that person.

9. Imposition of customs duty.—During the period in which any duty of excise is being levied under section 8, the Central Government may, by notification in the Official Gazette, impose on all coal (including soft and hard coke) imported or brought into India from any place outside India, a duty of customs (which shall be in addition to any duty of customs for the time being leviable under any other law), at rates equivalent to the rates of duties of excise levied under section 8.

10. Collection of excise duties.—The duties of excise levied under section 8 shall be collected by such agencies and in such manner as may be prescribed.

11. Payment to the Coal Board of a sum equal to net proceeds of excise duties.—The Central Government may, in each financial year, pay to the Board a sum equivalent to the net proceeds (determined in such manner as may be prescribed) of the duties of excise collected under section 8 during the preceding financial year.

12. Money received by the Board to be credited to the Fund.—(1) The sum referred to in section 11 and any other money received by the Board shall be credited to a Fund to be called the Coal Mines Safety and Conservation Fund which shall be applied by the Board, in such manner and subject to such conditions as may be prescribed, to—

(*a*) meeting the expenses in connection with the administration of the Board and the furtherance of the objects of this Ordinance ;

(*b*) the grant of stowing materials and other assistance for stowing operations to the owners, agents or managers of coal mines ;

(*c*) the execution of stowing and other operations in furtherance of the objects of this Ordinance ;

(*d*) the prosecution of research work connected with safety in coal mines or conservation and utilisation of coal ;

(*e*) meeting the cost of administering the Fund and the expenses in connection with Advisory Committees ;

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(*f*) the grant to State Governments, research organisations, local authorities and owners, agents or managers of coal mines of money in aid of any scheme approved by the Central Government in furtherance of the objects of of this Ordinance;

(*g*) any other expenditure which the Central Government directs to be defrayed out of the Fund.

(*1*) The Board shall keep accounts of the Fund, and such accounts shall be examined and audited at prescribed intervals by the auditors appointed in this behalf by the Central Government.

13. Powers of Inspectors.—(1) The Chief Inspector or any Inspector may make such examination and inquiries as he thinks fit in order to ascertain whether the provisions of this Ordinance or of any rules and orders made thereunder are being complied with.

(*2*) The Chief Inspector or any Inspector may, with such assistants, if any, as he thinks fit, enter, inspect and examine at any time by day or night any coal mine in respect of which assistance is being, or has been, given under this Ordinance, in order to ascertain the amount of sand or other materials used in stowing in the mine or to ensure that stowing or any other operation towards which assistance may be granted under this Ordinance, has been, or is being, done effectively :

Provided that the power conferred by this sub-section shall not be exercised in such a manner as unreasonably to impede or obstruct the working of the mine.

(*3*) Without prejudice to the provisions of section 19 of the Indian Mines Act, 1923 (IV of 1923), the Chief Inspector or any Inspector may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such protective measures, including stowing, in the mine as the Chief Inspector or the Inspector may think necessary, if in the opinion of the Chief Inspector or Inspector—

(*a*) the extraction or reduction of pillars in any part of the mine is likely cause the crushing of pillars or the premature collapse of any part of the workings or otherwise endanger human life or the mine, or

(*b*) adequate provision against the outbreak of fire or flooding has not been made by providing for the sealing off and isolation of any part of the mine or for restricting the area that might be affected by fire or flooding, as the case may be.

(*4*) The powers conferred on the Inspector under sub-sections (1), (2) and (3) may also be exercised by such officers of the Board suitably qualified in this behalf as the Central Government may, by notification in the Official Gazette, specify in this behalf.

14. Application of Act IV of 1923.—The provisions of sub-sections (3) to (6) (both inclusive of section 19 of the Indian Mines Act, 1923 (IV of 1923), shall apply to an order made under sub-section (*3*) of section 13 of this Ordinance as they apply to an order made under sub-section (2) of section 19 of that Act, and all the provisions of the Indian Mines Act, 1923, [except sub-section (*1*) of section 11 thereof], affecting committees appointed for the purposes of that Act or relating to the disposal of references made to such committees, shall apply, so far as may be, to a committee appointed to enquire into a reference under this Ordinance and to the disposal of such reference :

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Provided that the power conferred by the proviso to sub-section (6) of the said section 19 to suspend the operation of a requisition under sub-section (1) of that section shall include a power similarly to suspend the operation of an order made under sub-section (3) of section 13 of this Ordinance.

15. Advisory Committees.—(1) The Central Government may, by notification in the Official Gazette, constitute one or more Advisory Committees consisting of such number of persons and on such terms and conditions as may be prescribed.

(2) It shall be the duty of the Advisory Committees to advise the Central Government or the Board in regard to any matter connected with the administration of the Ordinance in respect of which their advice is sought by the Central Government, or, as the case may be, by the Board.

16. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Chairman or any other member of the Board or any officer thereof or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules or orders made thereunder.

17. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, such rules may for all or any of the following matters, namely:—

(*a*) the measures to be taken for the purpose of maintenance of safety in coal mines or for the conservation of coal;

(*b*) the levy, collection and payment of the duties of excise and the imposition, collection and payment of the duty of customs;

(*c*) the appointment and terms and conditions of service of the Chairman and other members of the Board;

(*d*) the powers and functions of, and the conduct of business by the Board

(*e*) the determination of the net proceeds of the duties of excise for the purposes of section 11;

(*f*) the manner in which, and the conditions subject to which, sums at the credit of the Coal Mines Safety and Conservation Fund may be applied;

(*g*) the form in which the accounts of the Fund shall be kept, the intervals within which, and the manner in which, such accounts may be audited;

(*h*) the composition of any committee of inquiry which may be appointed to inquire into a reference arising out of an order passed under sub-saction (3) of section 13, the technical qualifications to be possessed by persons nominated thereto, and the powers and duties of such committee;

(*i*) the composition of Advisory Committees, their functions, and the terms and conditions of service of members thereof;

(*j*) any other matter which has to be, or may be, prescribed.

(3) Any rule made under the provisions of this Ordinance may provide that the contravention thereof shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) All rules made under the provisions of this Ordinance shall be laid, as soon as may be, before Parliament.

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18. Ordinance to apply to Government coal mines.—This Ordinance applies also to coal mines belonging to the Government.

19. Repeal.—(*1*) The Coal Mines Safety (Stowing) Act, 1939 (XIX of 1939), is hereby repealed.

(*2*) Notwithstanding such repeal, any thing done or any action taken (including any rules, notifications or orders made or issued) in the exercise of any power conferred by or under the said Act shall be deemed to have been done or taken under this Ordinance as if this Ordinance were in force on that day.

(*3*) As from the commencement of this Ordinance, all the moneys lying to the credit of the Coal Mines Stowing Fund under the Act hereby repealed shall be deemed to have been transferred to, and to vest in, the Board and to form part of the Coal Mines Safety and Conservation Fund.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

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